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States Government

Department of Energy

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DATE

Rocky Flats Office

# Memorandum

DEC 16 1993

ERD:SRG:12127

Supplemental Information Concerning Notice of Violation for Operable Unit No. 2;  
Notification as Per September 16, 1993, Secretarial Guidance

Associate Deputy Secretary for Field Management, FM-1, HQ  
General Counsel, GC-1, HQ  
Assistant Secretary for Environmental Restoration and Waste Management, EM-1, HQ  
Assistant Secretary for Environment, Safety and Health, EH-1, HQ

This memorandum contains supplemental information to our September 13, 1993, (ERD:HR:10795) (attachment 1) and September 27, 1993, (ERD:SRG:11140) (attachment 2) correspondence. This supplemental information is being provided in accordance with the September 16 and August 18, 1993, memoranda from the Secretary: "Guidance on Management Procedures for Addressing Responsibility for Violations of Environmental Requirements and Related Fines and Penalties."

Our September 13 correspondence was in response to the direction to provide information within 24 hours of a Notice of Violation (NOV) and our September 27 correspondence was in response to the direction to provide information within 10 days of the NOV. A copy of the 24-hour and 10-day responses are included (copy in attachment 2). This memorandum provides supplemental information concerning the disposition of the NOV and resolution of dispute under the Rocky Flats Environmental Restoration InterAgency Agreement (IAG).

The Notice of Violation was received September 10, 1993, from U.S. Environmental Protection Agency (EPA) and the Colorado Department of Health (CDH) for missing a milestone under the IAG (copy in attachment 1). The missed milestone is for the Final RCRA Facilities Investigation/Remedial Investigation (RFI/RI) Report for Operable Unit No. 2 (903 Pad, Mound, and East Trenches).

In consultation with EM-40, we agreed to dispute the NOV through the Dispute Resolution process laid out in the IAG. This dispute was resolved at the informal level on October 14, 1993. A copy of the Resolution of Dispute (attachment 3) is attached.

To resolve the dispute, DOE agreed that it was in violation of the IAG for the missed Final RFI/RI Report submittal milestone for the period August 9, 1993, through

## ACTION

DIST. LTR. ENC.

|                   |   |   |
|-------------------|---|---|
| BENEDETTI, R.L.   |   |   |
| BENJAMIN, A.      |   |   |
| BERMAN, H.S.      |   |   |
| CARNIVAL, G.J.    |   |   |
| COPP, R.D.        |   |   |
| CORDOVA, R.C.     |   |   |
| DAVIS, J.G.       |   |   |
| FERRERA, D.W.     |   |   |
| FRANZ, W.A.       |   |   |
| HANNI, B.J.       |   |   |
| HEALY, T.J.       |   |   |
| HEDAH, T.G.       |   |   |
| HILBIG, J.G.      |   |   |
| HUTCHINS, N.M.    | X | X |
| KIRBY, W.A.       |   |   |
| KUESTER, A.W.     |   |   |
| MAHAFFEY, J.W.    |   |   |
| MANN, H.P.        |   |   |
| MARX, G.E.        |   |   |
| McKENNA, F.G.     | X | X |
| MORGAN, R.V.      |   |   |
| PIZZUTO, V.M.     |   |   |
| POTTER, G.L.      |   |   |
| SANDLIN, N.B.     |   |   |
| SATTERWHITE, D.G. |   |   |
| SCHUBERT, A.L.    |   |   |
| SETLOCK, G.H.     |   |   |
| SULLIVAN, M.T.    |   |   |
| SWANSON, E.R.     |   |   |
| WILKINSON, R.B.   |   |   |
| WILSON, J.M.      |   |   |

Stiger SXX

Busby WXX

Primrose AXX

|                 |   |   |
|-----------------|---|---|
| CORRES CONTROL  | x | x |
| PATS/T130G      |   |   |
| ADMN RECORD/080 | X | 2 |

Reviewed for Addressee  
Corres. Control RFP

12-23-93  
DATE BY

Ref Ltr. #

DOE ORDER # 5400.1

DEC 16 1993

August 12, 1993, (when the clock was stopped retroactively to June 21, 1993) in accordance with EPA/CDH letter of August 12, 1993, which stopped the clock for milestones for Operable Units 1 - through 7 to obtain resolution on the appropriate Risk Assessment Methodology (attachment 4). Furthermore, EPA agreed not to assess stipulated penalties for the period August 9 - 12, 1993.



Mark N. Silverman  
Manager

Attachments

1. September 13, 1993 Memo
2. September 27, 1993 Memo
3. Resolution of Dispute
4. EPA/CDH Letter

cc w/Attachments:

A. Rampertaap, EM-453  
R. Schassburger, ERD, RFO  
M. Roy, OCC, RFO  
H. Rose, ERD, RFO  
S. Grace, ERD, RFO  
N. Hutchins, EG&G  
W. Busby, EG&G  
A. Primrose, EG&G